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9 UNITED STATES DISTRICT COURT  
 10 EASTERN DISTRICT OF CALIFORNIA  
 11 FRESNO DIVISION  
 12

13 CORONA, et al.,  
 14 Plaintiffs,  
 15 v.  
 16 KNOWLES, et al.,  
 17 Defendants.

Case No. 1:08-CV-00237-LJO-DLB

**STIPULATION REGARDING  
 DEFENDANTS' MOTION FOR  
 SUMMARY JUDGMENT; ORDER  
 (Note Court uses own language)**

—  
 TRIAL: February 26, 2013  
 TIME: 8:30 a.m.  
 COURTROOM: 4

1 STIPULATION

2 The parties request a three-week continuance of the hearing on Defendants’ motion for  
3 summary judgment. The motion is set to be heard on July 27, 2012. Dkt. # 142. The parties  
4 propose a hearing date of August 17, 2012, with briefing dates based on that schedule. The  
5 deadline for hearing dispositive motions is not until November 5, 2012. Dkt. # 129.

6 Good cause supports the parties’ request. Defendants have moved to dismiss all of  
7 Plaintiffs’ claims, arguing that Defendants acted reasonably and pursuant to CDCR policies.  
8 *E.g.*, Dkt. # 142-1 at 6. The discovery cutoff had not yet elapsed when Defendants filed their  
9 motion, however, and Plaintiffs’ deposition of a 30(b)(6) witness regarding those same policies  
10 is set to occur on July 2.<sup>1</sup> This Court has clearly recognized the relevance of the policies. *E.g.*,  
11 Dkt. # 149 at 3 (“Defendants argue that the CDCR policies are not relevant because Plaintiffs’  
12 claims relate to KVSP’s policies. This argument is without merit, as there can be little doubt that  
13 CDCR’s policies influenced KVSP’s supplemental policy.”). Thus, Plaintiffs believe that the  
14 evidence from the deposition is likely to play an important role in their opposition. The parties  
15 agree that a three-week extension should give Plaintiffs sufficient time to analyze the transcript,  
16 conduct any necessary follow-up, and prepare their opposition.

17 An extension is also warranted based on the schedule for expert disclosures. Disclosures  
18 will occur on July 17. Dkt. # 129. However, July 17 is just two business days after the current  
19 deadline for the opposition, and Plaintiffs’ opposition will rely on expert declarations. Plaintiffs  
20 wish to manage the burden on their experts, and believe under the circumstances that it would be  
21 more appropriate to allow their experts to first prepare their disclosures, and then, turn to the  
22 specifics of Defendants’ motion. Defendants agree that the requested extension strikes an  
23 appropriate balance.

24 \_\_\_\_\_  
25 <sup>1</sup> Two motions to compel had to be resolved before the deposition could occur. *See* Dkt. # 124  
26 (ordering deposition), Dkt. # 149 (ordering production of documents to be used at deposition).

1 Finally, there is good cause because the requested extension is relatively short in duration.  
2 All parties wish to efficiently resolve the matter, and previous extensions regarding this motion  
3 have not been requested. As noted, the deadline for hearing dispositive motions is not until  
4 November 5, 2012. Dkt. # 129. Thus, the proposed schedule has no effect on any other Court-  
5 ordered deadlines in this case.

6 Accordingly, the parties request that the Court order the following schedule, or such other  
7 dates as are convenient for the Court:

<u>Event</u>	<u>Current Schedule</u>	<u>Proposed Schedule</u>
9 Expert Disclosures	July 17, 2012	July 17, 2012
10 Plaintiffs' Opposition to 11 Defendants' Motion For Summary 12 Judgment	July 13, 2012	August 3, 2012
13 Reply In Support Of Defendants' Motion For Summary Judgment	July 20, 2012	August 10, 2012
14 Hearing re Defendants' Motion 15 For Summary Judgment	July 27, 2012 (10:00 a.m)	August 17, 2012 (10:00 a.m)

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17 DATED: June 26, 2012

BINGHAM McCUTCHEN LLP

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By: \_\_\_\_\_ /s/  
Manu Pradhan  
Attorney for Plaintiffs

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22 DATED: June 26, 2012

OFFICE OF THE ATTORNEY GENERAL

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By: \_\_\_\_\_ /s/  
Kelli Hammond  
Attorney for Defendants

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**ORDER**

Based on the parties' stipulation, this Court:

1. VACATES the July 27, 2012 hearing on defendants' summary judgment motion;
2. ORDERS plaintiffs, no later than August 3, 2012, to file and serve summary judgment opposition papers;
3. ORDERS defendants, no later than August 10, 2012, to file and serve summary judgment reply papers; and
4. LIMITS plaintiffs' opposition points and authorities to 25 pages and defendants' reply points and authorities to 10 pages.

Pursuant to its practice, this Court will consider defendants' summary judgment motion on the record without a hearing.

IT IS SO ORDERED.

Dated: June 27, 2012

/s/ Lawrence J. O'Neill  
UNITED STATES DISTRICT JUDGE